

Art Unit: 3742

***Claim Rejections - 35 USC § 102***

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. 3813070.

Referring to Figs. 1-3 and col. 1, line 56, through col. 2, line 12, US'070 discloses a "retaining clip" comprising a mounting stud (portion of element 14 that passes into the aperture) with a stop 16 at one end, and tensioning arms 18 and 22 at the other end. The tensioning arms provide tension against the wall 10 so that stud stop is "forced into the wall" since arm 22 pressed against the wall 10 when it is mounted, causing arm 18 to do likewise.

The Examiner notes that the preamble recitation of use in an "elongated mounting aperture" is merely an intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Clearly the clip of US'070 is capable of use in an elongated aperture.

***Claim Rejections - 35 USC § 103***

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'070.

While US'070 does not explicitly disclose "lips to secure and object," this does not patentably distinguish the claimed invention from the prior art. It would have been obvious to utilize "lips" to secure and object, or any other such conventional mounting adjunct, depending strictly on the item being held by the clip. US'070 already discloses the recited retaining plug 20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Joseph M. Pelham/

Primary Examiner, Art Unit 3742

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